

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
28-CA-281240	August 10, 2021

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Amazon, LLC		b. Tel. No. (888)892-7180
		c. Cell No.
d. Address (street, city, state ZIP code) 6001 E Tropical Pkwy, Las Vegas, NV 89115	e. Employer Representative Tom Smotrich General Manager	f. Fax No.
		g. e-Mail smotrich@amazon.com
		h. Dispute Location (City and State) Las Vegas, NV
i. Type of Establishment (factory, nursing home, hotel) Warehouse	j. Principal Product or Service Inbound dock receive/shipping	k. Number of workers at dispute location ~5000
<p>1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p> <p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) During the past six months, the above-named employer has interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the National Labor Relations Act, by its actions, including, but not limited to: disciplining, suspending, and discharging its employees, including, but not limited to, (b) (6), (b) (7)(C), because they engaged in protected, concerted activities. By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the National Labor Relations Act.</p> <p>3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)</p>		
4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		4b. Tel. No.
		4c. Cell No. (b) (6), (b) (7)(C)
		4d. Fax No.
		4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No.
By: (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) an individual	Office, if any, Cell No. (b) (6), (b) (7)(C)
(signature of representative or person making charge)	Print Name and Title	Fax No.
Address: (b) (6), (b) (7)(C)	Date: 7/26/2021	e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 North Central Avenue
Suite 1400
Phoenix, AZ 85004-3099

Agency Website: www.nlr.gov
Telephone: (602)640-2160
Fax: (602)640-2178



Download
NLRB
Mobile App

August 12, 2021

Amazon, LLC
6001 East Tropical Parkway
Las Vegas, NV 89115

Re: Amazon, LLC
Case 28-CA-281240

Ladies and Gentlemen:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Fernando Anzaldúa whose telephone number is (602)416-4757. If this Board agent is not available, you may contact Regional Attorney Rachel A. Harvey whose telephone number is (602)416-4748.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not

have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Cornele A. Overstreet', written in a cursive style.

Cornele A. Overstreet
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

CAO/FJA/mhz

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMAZON, LLC

Charged Party

and

(b) (6), (b) (7)(C) AN INDIVIDUAL

Charging Party

Case 28-CA-281240

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 12, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Amazon, LLC
6001 East Tropical Parkway
Las Vegas, NV 89115

August 12, 2021

Date

Mary H. Zorn, Designated Agent of NLRB

Name

/s/ Mary H. Zorn

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 North Central Avenue
Suite 1400
Phoenix, AZ 85004-3099

Agency Website: www.nlr.gov
Telephone: (602)640-2160
Fax: (602)640-2178



Download
NLRB
Mobile App

August 12, 2021

(b) (6), (b) (7)(C)

Re: Amazon, LLC
Case 28-CA-281240

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on August 10, 2021 has been docketed as case number 28-CA-281240. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Fernando Anzaldúa whose telephone number is (602)416-4757. If this Board agent is not available, you may contact Regional Attorney Rachel A. Harvey whose telephone number is (602)416-4748.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cornele A. Overstreet". The signature is fluid and cursive, with a long horizontal stroke at the end.

Cornele A. Overstreet
Regional Director

CAO/FJA/mhz

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Amazon, LLC	
	and
Individual	

CASE 28-CA-281240

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

AMAZON, LLC

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Brian Stolzenbach	
MAILING ADDRESS: Seyfarth Shaw LLP, 233 South Wacker Drive, Suite 8000, Chicago, IL 60606	
E-MAIL ADDRESS: bstolzenbach@seyfarth.com	
OFFICE TELEPHONE NUMBER: 312-460-5000	
CELL PHONE NUMBER:	FAX: 312-460-7000
/s/ Brian Stolzenbach	
SIGNATURE: _____	
(Please sign in ink.)	
DATE:	8-16-2021

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
28-CA-281240	October 28, 2021

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Amazon.com Services LLC		b. Tel. No. (888)892-7180	
		c. Cell No.	
d. Address (street, city, state ZIP code) 6001 E Tropical Pkwy Las Vegas, NV 89115		e. Employer Representative Tom Smotrich General Manager	
		f. Fax No.	
		g. e-Mail smotrich@amazon.com	
		h. Dispute Location (City and State) Las Vegas, NV	
i. Type of Establishment (factory, nursing home, hotel) Warehouse		j. Principal Product or Service Inbound dock receive/shipping	
		k. Number of workers at dispute location ~5000	
1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (<i>set forth a clear and concise statement of the facts constituting the alleged unfair labor practices</i>) During the past six months, the above-named employer has interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the National Labor Relations Act, by its actions, including, but not limited to: (1) maintaining unlawful work rules; (2) prohibiting employees from discussing an ongoing investigation; and (3) disciplining, suspending, and discharging its employees, including, but not limited to, (b) (6), (b) (7)(C), because they engaged in protected, concerted activities. By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the National Labor Relations Act.			
3. Full name of party filing charge (<i>if labor organization, give full name, including local name and number</i>) (b) (6), (b) (7)(C)			
4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		4b. Tel. No.	
		4c. Cell No. (b) (6), (b) (7)(C)	
		4d. Fax No.	
		4e. e-Mail (b) (6), (b) (7)(C)	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (<i>to be filled in when charge is filed by a labor organization</i>)			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No.	
By: (b) (6), (b) (7)(C)		Office, if any, Cell No. (b) (6), (b) (7)(C)	
(signature) _____ on making charge)		Print Name and Title (b) (6), (b) (7)(C)	
Address: (b) (6), (b) (7)(C)		Fax No.	
Date: 10/28/2021		e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 North Central Avenue
Suite 1400
Phoenix, AZ 85004-3099

Agency Website: www.nlrb.gov
Telephone: (602)640-2160
Fax: (602)640-2178



Download
NLRB
Mobile App

October 29, 2021

Amazon, LLC
6001 East Tropical Parkway
Las Vegas, NV 89115

Re: Amazon, LLC
Case 28-CA-281240

Ladies and Gentlemen:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney Fernando Anzaldua whose telephone number is (602)416-4757. If the agent is not available, you may contact Regional Attorney Rachel A. Harvey whose telephone number is (602)416-4748.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the

Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cornele A. Overstreet", written in a cursive style.

Cornele A. Overstreet
Regional Director

Enclosure: Copy of first amended charge

cc: Brian Stolzenbach, Attorney at Law
Seyfarth Shaw LLP
233 South Wacker Drive, Suite 8000
Chicago, IL 60606-6448

CAO/FA/mhz

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMAZON, LLC

Charged Party

and

(b) (6), (b) (7)(C) AN INDIVIDUAL

Charging Party

Case 28-CA-281240

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on October 29, 2021, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Amazon, LLC
6001 East Tropical Parkway
Las Vegas, NV 89115

Brian Stolzenbach, Attorney at Law
Seyfarth Shaw LLP
233 South Wacker Drive, Suite 8000
Chicago, IL 60606-6448

October 29, 2021

Date

Mary H. Zorn, Designated Agent of NLRB

Name

/s/ Mary H. Zorn

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28

2600 North Central Avenue
Suite 1400
Phoenix, AZ 85004-3099

Agency Website: www.nlrb.gov
Telephone: (602)640-2160
Fax: (602)640-2178



Download
NLRB
Mobile App

October 29, 2021

(b) (6), (b) (7)(C)

Re: Amazon, LLC
Case 28-CA-281240

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney Fernando Anzaldúa whose telephone number is (602)416-4757. If the agent is not available, you may contact Regional Attorney Rachel A. Harvey whose telephone number is (602)416-4748.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cornele A. Overstreet", written in a cursive style.

Cornele A. Overstreet
Regional Director

CAO/FA/mhz

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

AMAZON.COM SERVICES LLC

and

Case No. 28-CA-281240

(b) (6), (b) (7)(C) an Individual

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Amazon.com Services LLC (Respondent) has violated the Act as described below.

1. (a) The charge in this proceeding was filed by (b) (6), (b) (7)(C) on August 10, 2021, and a copy was served on Respondent by U.S. mail on August 12, 2021.

(b) The first amended charge in this proceeding was filed by (b) (6), (b) (7)(C) on October 28, 2021, and a copy was served on Respondent by U.S. mail on October 29, 2021.

2. (a) At all material times, Respondent has been a limited liability company with an office and place of business in Las Vegas, Nevada, (Respondent's facility) and has been engaged in the retail sale and distribution of goods throughout the United States.

(b) In conducting its operations during the 12-month period ending August 10, 2021, Respondent derived gross revenues in excess of \$500,000.

(c) During the 12-month period ending August 10, 2021, Respondent, in conducting its operations described above in paragraph 2(a), purchased and received at

Respondent's facility goods valued in excess of \$5,000 directly from suppliers located outside the State of Nevada.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act.

(b) (6), (b) (7)(C)
-
-
-
-
-
-
-
-

(b) (6), (b) (7)(C)
-
-
-
-
-
-
-
-

4. (a) During the period from about January 2021 through June 21, 2021, Respondent's employee (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection by concertedly complaining to Respondent regarding the wages, hours and working conditions of Respondent's employees by raising concerns with others and Respondent about favoritism, supervisors' treatment of employees, and other terms and conditions of employment.

(b) Since on or about February 10, 2021, Respondent has maintained the following overly-broad and discriminatory rules in its Owner's Manual and Guide to Employment, Appendix – Standards of Conduct:

(1) The following work conduct infractions are regarded as extremely serious, and termination of employment may result following one offense:

[...]

- Assaulting, threatening, intimidating, coercing, or interfering with supervisors or fellow associates

[...]

(2) The following work conduct infractions are regarded as extremely serious, and termination of employment may result following one offense:

[...]

- Unauthorized removal of company documents

[...]

(3) The following work conduct infractions are regarded as extremely serious, and termination of employment may result following one offense:

[...]

- Leaving company premises without permission during assigned work hours (unpaid meal periods and paid rest breaks are not “work hours” for purposes of this policy)

[...]

(4) The following work conduct infractions are considered serious and generally result in corrective action:

- Unauthorized absence, excessive absenteeism, or any absence without notice

[...]

(5) The following work conduct infractions are considered serious and generally result in corrective action:

[...]

- Abusive, vulgar, or harassing language to a supervisor, fellow associate, or vendor

[...]

(6) The following work conduct infractions are considered serious and generally result in corrective action:

[...]

- Failure to adhere to starting time, quitting time, or break time policies, or wasting time

[...]

(7) The following work conduct infractions are considered serious and generally result in corrective action:

[...]

- Leaving a company-assigned work area during scheduled working hours without permission

[...]

(c) In or about late-April or early May 2021, more precise dates presently unknown, Respondent, by (b) (6), (b) (7)(C), at Respondent's facility, prohibited employees from discussing an on-going investigation of employee complaints about harassment and supervision.

(d) On or about (b) (6), (b) (7)(C) 2021, Respondent took away work responsibilities or duties, including making white board assignments and operating the forklift, from (b) (6), (b) (7)(C).

(e) During the period from about late- (b) (6), (b) (7)(C) 2021 through the end of (b) (6), (b) (7)(C) 2021, Respondent more closely supervised and monitored (b) (6), (b) (7)(C) work.

(f) On or about (b) (6), (b) (7)(C) 2021, Respondent issued a documented coaching to (b) (6), (b) (7)(C).

(g) On or about June 20, 2021, Respondent, by (b) (6), (b) (7)(C), in a documented coaching:

(1) threatened employees with unspecified reprisals for engaging in protected concerted activities;

(2) promulgated an overly-broad rule or directive stating that all associates, regardless of position, are responsible for ensuring that the workplace is free from offensive behavior and harassment;

(3) promulgated an overly-broad rule or directive stating that all associates must avoid any conduct that may be perceived as offensive and/or harassing;

(4) promulgated an overly-broad rule or directive stating employees' language and actions are expected to be professional, without the use of profanity, and appropriate for the workplace;

(5) promulgated the rules or directives described above in paragraphs 4(g)(2) through 4(g)(4) in response to employees' protected concerted activities;

(6) threatened employees with disciplinary action, up to and including termination of employment, for violating overly-broad rules or directives described above in paragraphs 4(g)(2) through 4(g)(4); and

(7) threatened employees with disciplinary action, up to and including termination of employment, for engaging in protected concerted activities.

(h) On or about (b) (6), (b) (7)(C) 2021, Respondent suspended (b) (6), (b) (7)(C).

(i) On or about (b) (6), (b) (7)(C) 2021, Respondent discharged (b) (6), (b) (7)(C).

(j) Respondent engaged in the conduct described above in paragraph 4(f) because (b) (6), (b) (7)(C) violated the overly broad rule described above in paragraph 4(b)(5) and to discourage employees from engaging in protected concerted activities.

(k) Respondent engaged in the conduct described above in paragraphs 4(d), 4(e), 4(f), 4(h), and 4(i), because (b) (6), (b) (7)(C) engaged in the conduct described above in paragraph 4(a), and to discourage employees from engaging in these or other concerted activities.

5. By the conduct described above in paragraph 4, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

6. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

The General Counsel seeks an Order providing for all relief as may be just and proper to remedy the unfair labor practices alleged, including, but not limited to, requirements that Respondent:

(a) physically post and electronically distribute the Notice to Employees at all of Respondent's facilities in the United States and its Territories;

(b) electronically distribute the Notice to Employees to all employees employed by Respondent in the United States and its Territories by text messaging, posting on social media websites, and posting on internal apps, if Respondent communicates with its employees by such means;

(c) give a copy of the Board's Notice to Employees to all new employees, supervisors, and managers, upon hire, for a period of 1 year;

(d) offer (b) (6), (b) (7)(C) immediate and full reinstatement to (b) (6), (b) (7)(C) former job, or if that job no longer exists, to substantially equivalent position, without prejudice to (b) (6), (b) (7)(C) seniority or any other rights or privileges previously enjoyed;

(e) make (b) (6), (b) (7)(C) whole, including, but not limited to, by reimbursement for consequential harm (b) (6), (b) (7)(C) incurred as a result of Respondent's unlawful conduct, including, but not limited to, emotional distress (b) (6), (b) (7)(C) suffered as a direct and foreseeable result of the Respondent's unlawful conduct;

(f) draft and send a letter to (b) (6), (b) (7)(C) apologizing to (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) discharge and any hardship or distress it caused, and provide a copy of the letter to the Regional Director within 14 days of transmission;

(g) schedule with the Regional Director or his designee one or more mandatory one-hour training sessions for all managers and supervisors employed by Respondent at its facility located at 6001 East Tropical Parkway, Las Vegas, Nevada; and

(h) permit a duly-appointed Board agent to enter Respondent's facility for a period of six months, at reasonable times and in a manner not to unduly interfere with the Respondent's operations, for the limited purpose of determining whether the Respondent is in compliance with the notice posting, distribution, and mailing requirements.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be

received by this office on or before April 15, 2022, or postmarked on or before

April 14, 2022. Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT at 9:00 a.m. (local time) on **September 27, 2022**, and on consecutive days thereafter until concluded, at a location and by a means and method to be determined, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Phoenix, Arizona, this 1st day of April 2022.

/s/ *Cornele A. Overstreet*

Cornele A. Overstreet, Regional Director

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 28-CA-281240

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:


- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Brian Stolzenbach, Attorney
Seyfarth Shaw LLP
233 South Wacker Drive, Suite 8000
Chicago, IL 60606-6448

Amazon.com Services LLC
6001 East Tropical Parkway
Las Vegas, NV 89115

(b) (6), (b) (7)(C)

A large black rectangular redaction box covers the text in this block.

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing.

If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

AMAZON.COM SERVICES LLC

and

Case 28-CA-281240

(b) (6), (b) (7)(C) an Individual

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **April 1, 2022**, I served the above-entitled document(s) by **E-Issuance/Service and Certified Mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Brian Stolzenbach, Attorney
Seyfarth Shaw LLP
233 South Wacker Drive, Suite 8000
Chicago, IL 60606-6448

Amazon.com Services LLC
6001 East Tropical Parkway
Las Vegas, NV 89115
CERTIFIED – 7019 1120 0002 2794 4313

(b) (6), (b) (7)(C)

April 1, 2022

Date

Dawn M. Moore,
Designated Agent of NLRB

Name

/s/ Dawn M. Moore

Signature

**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE**

Case 28-CA-281240

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:


- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Brian Stolzenbach, Attorney
Seyfarth Shaw LLP
233 South Wacker Drive, Suite 8000
Chicago, IL 60606-6448

Amazon.com Services LLC
6001 East Tropical Parkway
Las Vegas, NV 89115

(b) (6), (b) (7)(C)

A large black rectangular redaction box covers the text in this block.

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlrb.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing.

If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

AMAZON.COM SERVICES LLC

and

Case No. 28-CA-281240

(b) (6), (b) (7)(C) an Individual

ANSWER TO COMPLAINT

Pursuant to Sections 102.20, 102.21, and 102.23 of the National Labor Relations Board's Rules and Regulations, Amazon.com Services LLC (“Respondent” or “Amazon”) by and through its attorneys, Seyfarth Shaw LLP, hereby submits its Answer to the Complaint as follows:

ANSWER TO COMPLAINT ¶ 1(a):

Respondent admits the allegations contained in paragraph 1(a) of the Complaint.

ANSWER TO COMPLAINT ¶ 1(b):

Respondent admits the allegations contained in paragraph 1(b) of the Complaint.

ANSWER TO COMPLAINT ¶ 2(a):

Respondent admits the allegations contained in paragraph 2(a) of the Complaint.

ANSWER TO COMPLAINT ¶ 2(b):

Respondent admits the allegations contained in paragraph 2(b) of the Complaint.

ANSWER TO COMPLAINT ¶ 2(c):

Respondent admits the allegations contained in paragraph 2(c) of the Complaint.

ANSWER TO COMPLAINT ¶ 2(d):

Respondent admits the allegations contained in paragraph 2(d) of the Complaint.

ANSWER TO COMPLAINT ¶ 3:

Respondent admits that (b) (6), (b) (7)(C) has held the position of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) for Amazon.

Respondent admits that (b) (6), (b) (7)(C) has held the position of (b) (6), (b) (7)(C) for Amazon.

Respondent admits that (b) (6), (b) (7)(C) both have held the position of (b) (6), (b) (7)(C) for Amazon.

Respondent admits that (b) (6), (b) (7)(C) both have held the position of (b) (6), (b) (7)(C) for Amazon.

On information and belief, Amazon admits that (b) (6), (b) (7)(C) has held the position of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) for Amazon.

Respondent denies that (b) (6), (b) (7)(C) held the position of (b) (6), (b) (7)(C) for Amazon.

On information and belief, Respondent denies that (b) (6), (b) (7)(C) held the position of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) for Amazon.

Without further information regarding the times the General Counsel deems to be “material” to this matter, Respondent can neither admit nor deny that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) held the positions attributed to them by paragraph 3 of the Complaint at all material times.

Respondent admits that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) have been supervisors and agents of Amazon within the meaning of Sections 2(11) and 2(13) of the Act.

On information and belief, Respondent admits that (b) (6), (b) (7)(C) has been a supervisor and agent of Amazon within the meaning of Sections 2(11) and 2(13) of the Act.

Respondent denies that either (b) (6), (b) (7)(C) has been a supervisor or agent of Amazon, within the meaning of Sections 2(11) and 2(13) of the National Labor Relations Act.

On information and belief, Respondent denies that (b) (6), (b) (7)(C) has been a supervisor or agent of Amazon, within the meaning of Sections 2(11) and 2(13) of the National Labor Relations Act.

Without further information regarding the times the General Counsel deems to be “material” to this matter, Respondent can neither admit nor deny that any of the following has been a supervisor or agent of Amazon at all material times: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

ANSWER TO COMPLAINT ¶ 4(a):

Without further information about (b) (6), (b) (7)(C) alleged activities, Respondent can neither admit nor deny the allegations in paragraph 4(a) of the Complaint. Presently, however, Respondent denies knowledge of any concerted activities by (b) (6), (b) (7)(C) during the time period referenced in paragraph 4(a) of the Complaint.

ANSWER TO COMPLAINT ¶ 4(b):

Respondent denies that the rules identified in paragraph 4(b) of the Complaint are “overly-broad and discriminatory,” but Respondent admits that those rules have been contained in its Owner’s Manual and Guide to Employment, Appendix - Standards of Conduct, since at least February 10, 2021.

ANSWER TO COMPLAINT ¶ 4(c):

Respondent denies the allegations contained in paragraph 4(c) of the Complaint.

ANSWER TO COMPLAINT ¶ 4(d):

Respondent denies the allegations contained in paragraph 4(d) of the Complaint.

ANSWER TO COMPLAINT ¶ 4(e):

Respondent denies the allegations contained in paragraph 4(e) of the Complaint.

ANSWER TO COMPLAINT ¶ 4(f):

Respondent admits the allegation contained in paragraph 4(f) of the Complaint.

ANSWER TO COMPLAINT ¶ 4(g):

Respondent denies the allegations contained in paragraph 4(g)(1)-(7) of the Complaint.

ANSWER TO COMPLAINT ¶ 4(h):

Respondent admits the allegations contained in paragraph 4(h) of the Complaint.

ANSWER TO COMPLAINT ¶ 4(i):

Respondent admits the allegation contained in paragraph 4(i) of the Complaint.

ANSWER TO COMPLAINT ¶ 4(j):

Respondent admits that the documented coaching referenced in paragraph 4(f) of the Complaint was issued to [REDACTED] because of conduct that violated the Standard of Conduct described in paragraph 4(b)(5) of the Complaint. Respondent denies that the Standard is overly broad, denies that the documented coaching was issued to discourage employees from engaging in protected concerted activities, and denies that it was issued in response to protected concerted activity.

ANSWER TO COMPLAINT ¶ 4(k):

Respondent denies the allegations contained in paragraph 4(k) of the Complaint.

ANSWER TO COMPLAINT ¶ 5:

Respondent denies the allegations contained in paragraph 5 of the Complaint.

ANSWER TO COMPLAINT ¶ 6:

Respondent denies the allegations contained in paragraph 6 of the Complaint.

ANSWER TO PRAYER FOR RELIEF:

Respondent denies that any of the requested relief is appropriate and requests dismissal of the Complaint in its entirety.

SEPARATE DEFENSES

Respondent asserts the following separate defenses to the Complaint without conceding that it bears the burden as to any of them:

1. Portions of the Complaint assert that unfair labor practices occurred more than six months before the filing of any unfair labor practice charge containing such allegations. The Board has no jurisdiction over such alleged unfair labor practices because they are barred by Section 10(b) of the Act.

2. Any allegations not specifically admitted in any response are denied.

3. The Complaint fails to state a claim upon which relief can be granted.

4. The conduct that led to (b) (6), (b) (7)(C) documented coaching was not protected concerted activity under Section 7 of the Act.

5. The conduct that led to (b) (6), (b) (7)(C) dismissal from employment was not protected concerted activity under Section 7 of the Act.

6. The Board may not require any remedy, including the reinstatement of (b) (6), (b) (7)(C) or the payment of any backpay, because (b) (6), (b) (7)(C) was discharged for cause.

7. Any monetary damages claimed should be mitigated by (b) (6), (b) (7)(C) earnings from other employment or other work and/or to the extent that (b) (6), (b) (7)(C) failed to reasonably and diligently search for, or to accept any offers of, alternative employment.

8. The claims alleged in the Complaint are beyond the Regional Director's authority, jurisdiction, and power and are therefore barred in whole or in part because the claims are against public policy and they manifestly disregard the law.

9. The Complaint has been issued, in whole or in part, without substantial justification.

10. The Order sought by the General Counsel would violate the United States Constitution.

11. The Order sought by the General Counsel is not authorized by the National Labor Relations Act.

12. Pending the conclusion of further discovery and investigation, Respondent respectfully reserves the right to add such further or supplemental defenses as may be warranted by the information developed through discovery and proper to the full defense of this litigation.

Wherefore, Respondent requests that the Complaint be dismissed, with prejudice.

Respectfully submitted,

AMAZON.COM SERVICES LLC

By: /s/ Brian Stolzenbach
One of Its Attorneys

Brian Stolzenbach
bstolzenbach@seyfarth.com
SEYFARTH SHAW LLP
233 South Wacker Drive
Suite 8000
Chicago, IL 60606
T +1 (312) 460-5000
F +1 (312) 460-7000

Tiffany Tran Madison
tmadison@seyfarth.com
SEYFARTH SHAW LLP
400 Capitol Mall
Suite 2350
Sacramento, CA 95814-4428
T +1 (916) 448-0159
F +1 (916) 558-4839